

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

AARON D. YOUNKER,	:	
	:	NO. 1:14-cv-00110
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
OHIO STATE PATROL, <u>et al.</u> ,	:	
	:	
Defendants.	:	

This matter is before the Court on the February 12, 2014 Report and Recommendation by Magistrate Judge Stephanie K. Bowman (doc. 6). Proper notice was provided to Plaintiff under 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including the notice that he would waive further appeal if he failed to file an objection to said Report and Recommendation in a timely manner.¹ See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). To date, no objections have been filed and the time period by which they were due lapsed on March 3, 2014.

Having reviewed this matter pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(c), the Court concludes that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. Accordingly, the Court ACCEPTS,

¹In this regard we note that an "Acknowledgment of Service" was signed on Plaintiff's behalf by one "William Klontz" on February 20, 2014 and docketed by the Clerk the next day (doc. 7).

ADOPTS and AFFIRMS it in all respects. Therefore, Plaintiff's Complaint, which the Court finds to be frivolous, is hereby DISMISSED WITH PREJUDICE and Plaintiff is ADVISED that if he continues to file lawsuits with this Court that are subject to dismissal on screening, he may be subject to sanctions under Fed. R. Civ. P. 11 as a vexatious litigator. We note that Plaintiff was granted leave to proceed in this matter in forma pauperis by the Magistrate Judge (doc. 4). Pursuant to 28 U.S.C. § 1915(a)(3), we CERTIFY that any appeal of this Order would not be taken in good faith for the reasons stated in the Magistrate Judge's Report and Recommendation; any application made to this Court to appeal in forma pauperis thus will be DENIED. See Fed. R. App. P. 24(a)(3)(A). As a non-prisoner, however, pursuant to Fed. R. App. P. 24(a)(5), Plaintiff is free to apply to proceed in forma pauperis in the United States Court of Appeals for the Sixth Circuit. See Callahan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999), overruling in part Floyd v. United States Postal Serv., 105 F.3d 274, 277 (6th Cir. 1997).

SO ORDERED.

Dated: March 24, 2014 s/S. Arthur Spiegel
 S. Arthur Spiegel
 United States Senior District Judge